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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/589,296

08/14/2006

Peter Schramm

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02/25/2009

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TWO PRUDENTIAL PLAZA, SUITE 4900
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EXAMINER

RAMOS, JAVIER J

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

02/25/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|--|--|---|--|
| <p align="center">Advisory Action Before the Filing of an Appeal Brief</p> | <p>Application No. 10/589,296</p> | <p>Applicant(s) SCHRAMM, PETER</p> | |
| | <p>Examiner JAVIER J. RAMOS</p> | <p>Art Unit 2625</p> | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): The objection to claim 14.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 8-14.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Mark K Zimmerman/
Supervisory Patent Examiner, Art Unit 2625

/J. J. R./
Examiner, Art Unit 2625

Continuation of 11. does NOT place the application in condition for allowance because: In regards to the Applicant's arguments on page 6, paragraph 2 of the Reply to Office Action that Bruner does not teach, "ink feeding is controlled by a specific method wherein specific colors are measured one by one while changing the ink feed of only that color." It is noted by the Examiner that Bruner teaches, pursuant to the stated claim language, executing separately one after the other for individual process colors involved in an autotype combination printing (Col. 2, Lines 12-25, Lines 51-57, "running again, one or more times, through the above-described process steps for every printing ink"); changing only the color supply of a single process color (Col. 2, Lines 12-28, "change he makes in an adjuster" which can include changing only one color supply); determining the effect of the change in the color supply of this one process color on color values of a color spot to be measured (Col. 5, Lines 26-30, Lines 38-52, use of the densitometer to determine the optical density of the printed color patches). Therefore, the Examiner disagrees with the assertion of the Applicant.

In regards to the Applicant's arguments on page 6, paragraph 3 of the Reply to Office Action that in the Soler process there is, "no data similar to that gathered in the instance invention. For example, the Soler user does not find data for a difference of color when the ink feed is changed." It is noted by the Examiner that the Soler reference was relied upon to teach the storage of spot color information (Page 2, [0048]; Page 3, [0051], "data storage device"; Fig. 7, Step 713, adding new color in the data book) and the balancing of measured values (Fig. 7, Step 709, manual evaluation of printed color map; [0062], color variation is mapped and a user determines an optimum color spot based on the various ink patches and therefore creates a balanced value). The Bruner reference, as stated in the paragraph above, teaches the manipulation and measurement of the output of ink feeds.

In regards to the Applicant's arguments on page 6, paragraph 4 of the Reply to Office Action that, "in Fujimori no teaching or suggestion to check single colors to determine which colors can be controlled in combination." It is noted by the Examiner that Fujimori was referenced to teach values being measures at time intervals and different balancing states (Figs. 2A, 2B and 4). Therefore this argument does not apply to the Fujimori reference. Further, the combination of the Soler and Bruner references teaches the color control determination as described in the paragraphs above and the Final Office Action dated 8/25/08.

In regards to the Applicant's arguments on page 7, paragraph 1 of the Reply to Office Action pertaining to the Sullivan reference, it is noted by the Examiner that the Sullivan reference is not relied upon in the latest Office Action dated 8/25/08. Therefore the argument presented is moot.